

Office of Water EO 13777 Outreach and Summary

May 15, 2017

I. Outreach

In response to Executive Order 13777 (Enforcing the Regulatory Reform Agenda), on May 2, 2017 EPA's Office of Water held a three hour listening session by telephone and web conference to get public input on existing water regulations that could be rescinded, replaced or revised to make them less burdensome. More than 850 people joined in with about 200 participants contributing verbal or written comments (see attached).

II. Broad Themes

Several broad themes emerged from OW's public listening session. These themes are overarching and offer guidance on framing suggestions for implementing recommendations under the EO 13777 process:

- When considering regulations to rescind, replace or revise, do not rush the process. Regulations are complex and interwoven with other federal and state statutes. Considering changes to them should be done in a thoughtful way, using sound science and obtaining robust public comment, in order to avoid unintended consequences.
- Carefully consider the federal/state roles and relationship in the regulatory process. Some comments suggested that the role of the federal government is important in order to ensure consistency and certainty, and prohibit a race to the bottom among states. Other comments emphasized the importance of working in full partnership with states early in planning and regulatory development processes.
- Identify opportunities to streamline regulations, provide flexibilities, increase efficiency and effectiveness, and encourage innovation. When developing regulations, consider how to make them easier to implement.
- It's important to consider the impacts of regulations on small, rural, and disadvantaged communities. Look for efficiencies and flexibilities that will help these groups implement regulations in a less burdensome way while providing clean water.
- Maintain the existing protections under the Clean Water Act and Safe Drinking Water Act. Do not "jeopardize" the gains the country has made by rolling back regulations. Sub-themes in this area include comments that adequate staff and funding are needed to maintain protections, and that clean water is good for the economy.

III. Preliminary Ideas

OW quickly examined about 100 comments from our public listening session that provided some detail on water regulations, or parts of regulations, that could be rescinded, replaced, revised or retained. Some commenters remarked on two OW rules that we are already moving forward on: Waters of the US/Clean Water Rule; and Steam Electric Rule (Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category).

Based on the limited information provided in the public listening session comments (especially from the regulated community) and short review time, we have identified several initial areas to consider:

- A. Reduce burden of reporting and notification requirements (e.g. move from paper to electronic format for portions of CWA NPDES permits, SDWA data reporting and public notifications).
- B. Look for incremental actions to improve timing and implementation of CWA water permits and water quality standards.
- C. Identify and eliminate rules that are redundant (e.g. federal water quality standards no longer needed because state standards are now in place).
- D. Increase opportunities for states' role in program implementation (e.g. CWA 404(g) wetland permitting responsibility).

We recognize that there will be much more input to consider in depth once the docket closes and we have received all of the detailed written comments relating to water actions.

IV. Office of Water WEBSITE AND MEETINGS

- A. The OW website on the EO 13777 effort is: <https://www.epa.gov/aboutepa/office-water-feedback-reducing-regulatory-burden>
- B. OW held several routine Association meetings between April 18, 2017 and May 11, 2017 where EO 13777 was one of several agenda items discussed. We provided detailed information about the EPA-wide regulatory reform effort, OW's May 2, 2017 Listening Session, and the process for submitting comments to the EPA docket. We did not solicit input from the Associations, and only answered questions about the process. We encouraged all meeting participants to provide written comments through the EPA docket. These meetings include:
 - April 18, 2017: National Association of Clean Water Agencies (NACWA) Meeting
 - April 24, 2017: Brown Bag w/ Environmental Stakeholders
 - April 26, 2017: OW Quarterly State Association Meeting (Association of Clean Water Administrators, Association of State Drinking Water Administrators, Environmental Council of the States, Groundwater Protection Council)
 - May 3, 2017: Coffee with Agricultural Stakeholders
 - May 9, 2017: Utility Group Brown Bag

In addition, the Office of Water attended EO 13777 public meetings held by other EPA offices, including:

- April 24, 2017: OITA National Tribal Outreach Call
- April 25, 2017: SDBU Outreach Meeting
- April 26, 2017: OCIR Quarterly Intergovernmental Association Outreach Meeting
- May 10, 2017: OITA follow up Tribal Outreach Call

- C. OW sent an email to 64,000 contacts (via our Office of Water Newsletter), representing diverse and numerous public and private groups, NGOs and private citizens about the May 2 Listening Session to obtain feedback on reducing regulatory burden (see attachment). We also provided an OW email for people to submit questions about the process: owregulatoryreform@epa.gov.

Attachments

1. Content of OW email to 64,000 Stakeholders on EO 13777 and May 2, 2017 Listening Session
2. May 2, 2017 Transcript of Verbal and Written Comments (edited to remove extraneous remarks such as operator instructions and participant comments about sound quality) from the Office of Water Listening Session on Reducing Regulatory Burden (sent to docket)